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2 LEE SMART, P.S., INC.  
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4 (206) 624-7990  
Attorneys for Defendant  
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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF WASHINGTON AT

9 AARON MILLER and AUDRIE  
MILLER,

10 Plaintiffs,

11 vs.

12 BISHOP, WHITE, MARSHALL  
13 & WEIBEL, P.S.,

14 Defendant.

No.

NOTICE OF REMOVAL

[CLERK'S ACTION REQUESTED]

15 TO: THE CLERK OF THE COURT  
16 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

17 Defendant Bishop, White, Marshall & Weibel, PS, by its undersigned  
18 attorneys, states:

19 1. The above action was filed on December 3, 2010, and is pending in  
20 the Superior Court of the State of Washington for Spokane County, under Cause  
21 No. 0-2-05069-2. Defendant was served with the Summons and Complaint on  
22 November 5, 2010.

23 3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed  
24 within thirty (30) days of the filing and service of the Summons and Complaint.  
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NOTICE OF REMOVAL - 1  
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LEE · SMART

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1           4.     Plaintiffs Aaron and Audrie Miller are individuals and allege that they  
2 reside in Spokane, Washington. They have alleged violations of the federal Fair  
3 Debt Collection Practices Act, 15 U.S.C. § 1692. Therefore, this Court has federal  
4 question jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §  
5 1331.

6           5.     Pursuant to 28 U.S.C. § 1331 and 28 U.S.C. §1441(b)-(c), the above-  
7 captioned lawsuit may be removed to this Court. This Court is a District Court of  
8 the United States for the district and division embracing the place where the state  
9 court action is pending, and is therefore the appropriate Court for removal pursuant  
10 to 28 U.S.C. §1441.

11  
12           DATED this December 6, 2010.

13   LEE SMART, P.S., INC.

14  
15   By: s/ Marc Rosenberg  
16   Marc Rosenberg, WSBA No. 31034  
17   Of Attorneys for Defendant  
18   Bishop, White, Marshall & Weibel, P.S.

19   1800 One Convention Place,  
20   701 Pike Street  
21   Seattle, WA 98101-3929  
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25

SUPERIOR COURT OF WASHINGTON FOR SPOKANE COUNTY

AARON MILLER and AUDRIE MILLER,

Plaintiffs,

vs.

BISHOP, WHITE, MARSHALL & WEIBEL,  
P.S.,

Defendant.

No. 10-2-05069-2

NOTICE OF REMOVAL TO FEDERAL  
COURT

[CLERK'S ACTION REQUESTED]

TO: CLERK OF COURT

AND TO: ALL COUNSEL OF RECORD

Notice is hereby given pursuant to 28 U.S.C. Section 1446(d) that on the 3rd day of December, 2010, defendant Bishop, White, Marshall & Weibel, P.S. arranged for the filing of a Notice of Removal in the United States District Court for the Eastern District of Washington at Spokane, such filing to occur on or about the 6th day of December 2010. You are also advised that upon this filing of a copy of the Notice of Removal with the Superior Court of Washington for Spokane County, the Superior Court shall proceed no further unless and until the case is remanded.

Attached hereto is a copy of the Notice of Removal with attached complaint.

NOTICE OF REMOVAL TO FEDERAL COURT - 1  
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1 Respectfully submitted this 3rd day of December, 2010.

2 LEE SMART, P.S., INC.

3  
4 By: Marc Rosenberg  
5 Marc Rosenberg, WSBA No. 31034  
6 Of Attorneys for Defendant  
7 Bishop, White, Marshall & Weibel, PS  
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SUPERIOR COURT OF WASHINGTON  
FOR SPOKANE COUNTY

Aaron Miller, and Audrie Miller,

Plaintiffs,

v.

Bishop, White, Marshall & Weibel, P.S.,

Defendant.

COMPLAINT FOR VIOLATIONS OF  
THE FAIR DEBT COLLECTION  
PRACTICES ACT, THE  
WASHINGTON COLLECTION  
AGENCY ACT AND THE  
WASHINGTON CONSUMER  
PROTECTION ACT.

The plaintiffs allege as follows:

1. The court has jurisdiction over the subject matter and parties herein. Plaintiffs reside in Spokane County Washington. The defendant attempted to collect a debt in Spokane County thereby subjecting it to the jurisdiction of Washington Courts. The claims involve violations of Washington and Federal Collection law. Venue in

COMPLAINT FOR VIOLATIONS  
OF THE FAIR DEBT COLLECTION  
PRACTICES ACT - 1



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Spokane County is appropriate since the violations of collection agency law occurred within Spokane County, and the plaintiffs reside in Spokane County.

2. Plaintiffs are each a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).
3. Defendant was attempting to collect a "debt" as defined by FDCPA, 15 USC § 1692a(5). The alleged debt was an obligation or alleged obligation of the Plaintiffs to pay money arising out of a transaction primarily for personal, family, or household purposes. Defendant was attempting to collect a claim as defined by RCW 19.16.100(5).
4. Defendant is a "debt collector" as defined by FDCPA, 15 USC § 1692a(6).
5. Defendant, Bishop, White, Marshall & Weibel, P.S., is a Washington corporation which does business throughout the state of Washington within the territorial jurisdiction of this court.
6. Defendant, Bishop, White, Marshall & Weibel, P.S., engages in the collection of debts which were originally due to another by using the phone and mail and other means.
7. The collection of debts is a matter of public interest and is a highly regulated industry.
8. The Defendant violated the FDCPA by serving a lawsuit and commencing litigation within a jurisdiction in which the Plaintiffs did not reside, and which the Plaintiffs had not signed a contract.

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COMPLAINT FOR VIOLATIONS  
OF THE FAIR DEBT COLLECTION  
PRACTICES ACT - 2




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9. The plaintiffs suffered damages as a result of the violations of federal law.

WHEREFORE, the plaintiffs pray to the court for the following relief:

1. This court enter a money judgment in favor of the Plaintiffs and against the Defendant for general damages for stress, aggravation and other emotional damages of \$5,000.00;
2. This court enter a money judgment in favor of the Plaintiffs and against the Defendant in the amount proven by the evidence for damages for out of pocket expenses;
3. This court enter a money judgment in favor of the Plaintiffs and against the Defendant in the amount of the attorney fees and costs of bringing this action;
4. This court enter a money judgment in favor of each of the plaintiffs and against the defendant in the amount of \$1,000.00 per plaintiff for statutory damages under the Fair Debt Collection Practices Act; and
5. Any other relief which the court deems just and equitable.

Dated: November 4, 2010

By:   
Timothy W. Durkop 22985  
Attorney for the Plaintiffs

COMPLAINT FOR VIOLATIONS  
OF THE FAIR DEBT COLLECTION  
PRACTICES ACT - 3



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